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**HEARING # 10-07**

**MINUTES FOR AMENDMENT TO A 40B COMPREHENSIVE PERMIT FOR 99 PARKER STREET**

The Acton Board of Appeals re-opened Hearing #10-07, on Monday, January 10, 2011 at 7:45 pm for a request for an amendment to Decision #10-07 for the 40B Comprehensive Permit for 99 Parker Street.

Ken Kozik read the contents included in the file. There was an email from Mr. Starr requesting the waiving of the betterment fee until time of occupancy as well as eliminating the handicapped access in one of the units.

Ken Kozik asked Mark Starr applicant and developer of 99 Parker Street to begin. He stated he had asked the Selectmen to waive the betterment fee until the occupancy of the houses as opposed to it being paid up front at the time of construction as the town's policy states. He is here tonight to ask the Board to amend the decision stating such. There is another issue that he would like the board to look at. He said his original intent was to build one of the units as a handicap accessible unit for a veteran but it does not look like 40B laws will allow that to happen. He would still love to do it but nobody thinks it's going to work. It narrows the scope of the segment of population. He would like to have the discretion and flexibility to eliminate the handicap accessible unit even though he would still prefer to do it.

Ken Kozik asked Scott Mutch, Zoning Enforcement Officer if the town had any input. Scott said with regards to the sewer betterment, the original decision did state that the sewer betterment be paid prior to building permits being issued. Scott's understanding is that the Selectmen created a policy drafted by Doug Halley in the Health Department. The new policy is included in the file and endorsed by the Board of Selectmen. The Board of Appeals would just need to adopt the policy to amend the time of payment from before the building permit is issued to prior to Certificate of Occupancy. In regards to the handicap accessible unit that was shown on the original application and was referenced in the decision, Mark Starr said he would like to amend the decision to make the handicap accessible unit an affordable unit not handicap accessible unit.

Jon Wagner asked if this policy adopted by the Selectmen is going to in fact be the new policy in the future. Scott said the policy has been adopted by the BOS and the decision that affects Mr. Starr was written prior to the policy existing. The policy now exists that says sewer betterments can be paid prior to Certificate of Occupancy.

Ken Kozik made a motion to close Hearing #10-07. The motion was so moved and seconded.

Ken made a motion that the sewer betterment payment will now be at the time of occupancy and the change of the designation for the handicap accessible unit will now be affordable but not handicap accessible.

Respectfully submitted,

Cheryl Frazier, Board of Appeals Secretary

Ken Kozik, Chairman